

May 15, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL MIRAMONTES

Defendant.

No. 2:20-CR-00037-TOR-3

ORDER FOLLOWING
DETENTION REVIEW HEARING

MOTION GRANTED
(ECF No. 60)

At Defendant's May 14, 2020, detention review hearing, Defendant appeared out of custody telephonically from the inpatient treatment facility. Attorney Gordon Stoa represented the Defendant and appeared by video from a different location. Assistant U.S. Attorney Patrick Cashman represented the United States and appeared by video from a separate location. United States Probation Officer Shawn Kennicutt was present telephonically. At the time of the hearing, Defendant consented to proceeding telephonically and by video teleconference.

The Court has reviewed Defendant's motion to reconsider, **ECF No. 60**, the Pretrial Services Report, **ECF No. 19**, the Supplemental Pretrial Services Report, **ECF No. 38**, the Second Supplemental Pretrial Services Report, **ECF No. 42**, and the argument of counsel.

The Court finds that Defendant has met the required threshold and that there are conditions or combination of conditions that would reasonably assure this

1 Defendant's presence at trial and the safety of the community pending further
2 proceedings.

3 Accordingly, **IT IS ORDERED** Defendant's Motion, **ECF No. 60**, is
4 **GRANTED**. Release of the Defendant is subject to the following:

- 5 (1) Defendant shall not commit any offense in violation of federal, state or local
6 law. Defendant shall advise the supervising Pretrial Services Officer and
7 defense counsel within one business day of any charge, arrest, or contact with
8 law enforcement. Defendant shall not work for the United States government
9 or any federal or state law enforcement agency, unless Defendant first notifies
10 the supervising Pretrial Services Officer in the captioned matter.
- 11 (2) Defendant shall immediately advise the court, defense counsel and the U.S.
12 Attorney in writing before any change in address and telephone number.
- 13 (3) Defendant shall appear at all proceedings as required and shall surrender for
14 service of any sentence imposed as directed.
- 15 (4) **Defendant shall sign and complete A.O. Form 199C before being released**
16 **and shall reside at the address furnished.**
- 17 (5) Defendant shall not possess a firearm, destructive device or other dangerous
18 weapon.
- 19 (6) Defendant shall report to the United States Probation Office before or
20 immediately after release and shall report as often as they direct, at such times
21 and in such manner as they direct.
- 22 (7) Defendant shall contact defense counsel at least once a week.
- 23 (8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful
24 for any person who is under indictment for a crime punishable by
25 imprisonment for a term exceeding one year, to possess, ship or transport in
26 interstate or foreign commerce any firearm or ammunition or receive any
27 firearm or ammunition which has been shipped or transported in interstate or
28 foreign commerce.

1 (9) Defendant shall refrain from the use or unlawful possession of a narcotic drug
2 or other controlled substances defined in 21 U.S.C. § 802, unless prescribed
3 by a licensed medical practitioner in conformance with Federal law.
4 Defendant may not use or possess marijuana, regardless of whether Defendant
has been authorized medical marijuana under state law.

5 (10) Defendant shall surrender any passport and enhanced driver's license to
6 Pretrial Services and shall not apply for replacements.

7 **ADDITIONAL CONDITIONS OF RELEASE**

8 (14) Defendant shall remain in the Eastern District of Washington while the case
9 is pending. By timely motion clearly stating whether opposing counsel and
10 Pretrial Services object to the request, Defendant may be permitted to travel
11 outside this geographical area.

12 (15) Avoid all contact, direct or indirect, with any codefendants or persons who
13 Defendant would reasonably know are or may become a victim or potential
14 witness in the subject investigation or prosecution. Pretrial Services may but
15 is not required to exempt specific named individuals from this prohibition,
including but not limited to immediate family members or co-workers.

16 **SUBSTANCE ABUSE EVALUATION AND TREATMENT**

17 If Defendant is required to submit to a substance abuse evaluation, inpatient
18 or outpatient treatment, the following shall apply:

19 Defendant shall complete treatment indicated by an evaluation or
20 recommended by Pretrial Services and shall comply with all rules of a treatment
21 program. Defendant shall be responsible for the cost of testing, evaluation and
22 treatment, unless the United States Probation Office should determine otherwise.
23 The United States Probation Office shall also determine the time and place of testing
and evaluation and the scope of treatment.

24 Prior to commencing any evaluation or treatment program, Defendant shall
25 provide waivers of confidentiality permitting the United States Probation Office and
26 the treatment provider to exchange without qualification, in any form and at any
27 time, any and all information or records related to Defendant's conditions of release
28 and supervision, and evaluation, treatment and performance in the program. It shall
be the responsibility of defense counsel to provide such waivers.

1 Following any evaluation or treatment ordered here, Defendant shall complete
2 any recommended aftercare program.

3 **If Defendant terminates any treatment program before it is completed,**
4 **the treatment provider and Defendant shall immediately notify the U.S.**
5 **Probation Officer.**

6 *PROVIDED* that Defendant's treatment and release from custody is on the
7 express condition that treatment not hinder or delay the adjudication of this case,
8 and that Defendant appear in person when required regardless of treatment status,
9 and maintain adequate contact with defense counsel.

10 **(26) Outpatient Treatment:** Defendant shall participate in an outpatient
11 substance abuse treatment program as approved by Pretrial Services, and any
12 recommended follow-up treatment.

13 **(27) Prohibited Substance Testing: If random urinalysis testing is not done**
14 **through a treatment program, random urinalysis testing shall be**
15 **conducted through Pretrial Services, and shall not exceed six (6) times**
16 **per month.** Defendant shall submit to any method of testing required by the
17 Pretrial Service Office for determining whether the Defendant is using a
18 prohibited substance. Such methods may be used with random frequency and
19 include urine testing, the wearing of a sweat patch, a remote alcohol testing
20 system, and/or any form of prohibited substance screening or testing.
21 Defendant shall refrain from obstructing or attempting to obstruct or tamper,
22 in any fashion, with the efficiency and accuracy of prohibited substance
23 testing.

24 **HOME CONFINEMENT/ELECTRONIC/GPS MONITORING**

25 **(28)** Defendant shall participate in one or more of the following home confinement
26 program(s):

27 **Electronic Monitoring:** The Defendant shall participate in a program of
28 electronically monitored home confinement. The Defendant shall wear, at all
times, an electronic monitoring device under the supervision of U.S.
Probation. In the event the Defendant does not respond to electronic
monitoring or cannot be found, the U.S. Probation Office shall forthwith
notify the United States Marshals' Service, who shall immediately find, arrest

1 and detain the Defendant. The Defendant shall pay all or part of the cost of
2 the program based upon ability to pay as determined by the U.S. Probation
3 Office.

4 **GPS Monitoring:** The Defendant shall participate in a program of GPS
5 confinement. The Defendant shall wear, at all times, a GPS device under the
6 supervision of U.S. Probation. In the event the Defendant does not respond
7 to GPS monitoring or cannot be found, the U.S. Probation Office shall
8 forthwith notify the United States Marshals' Service, who shall immediately
9 find, arrest and detain the Defendant. The Defendant shall pay all or part of
10 the cost of the program based upon ability to pay as determined by the U.S.
11 Probation Office.

12 **Curfew:** Defendant shall be restricted to his residence every day from 7:00
13 p.m. to 7:00 a.m.

14 Defendant is to contact Pretrial Services immediately upon release from
15 inpatient treatment to make arrangements for electronic monitoring hookup.

16 **IT IS SO ORDERED.**

17 DATED May 15, 2020.



A handwritten signature in black ink, appearing to be "M" or "Rodgers", is written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE